

REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested in light of the following discussion.

Claims 1-26 are pending in this case.

In the outstanding Office Action, Claims 1, 3, 10, 19, 21, 22, and 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown et al. (U.S. Pub. No. 2003/0187975, herein “Brown”) in view of Haraguchi et al. (U.S. Patent No. 5,425,023, herein “Haraguchi”); Claims 2, 4-7, 12, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Armitage (U.S. Pub. No. 2002/0026525); and Claims 8, 9, 11, and 13-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Haraguchi, further in view of Armitage.

Applicants and Applicants’ representatives thank Examiner Perez-Gutierrez and Examiner Gonzalez for the courtesy of an interview with the Applicants’ representatives on September 11, 2007. The discussion during that interview is substantially reiterated in the remarks herein.

Claim 1 is directed to a node in a packet communication system and includes “an advertisement receiver configured to receive an advertisement of path information about a path from the correspondent node to the destination node” and “a Path MTU discovery execution determining unit configured to determine whether a discovery of a Path MTU of the path from the correspondent node to the destination node should be executed, based on the path information.”

The outstanding Office Action cites paragraphs [0041], [0043] and [0045] of Brown as disclosing the advertisement receiver recited in Claim 1. The outstanding Office Action also cites Brown, at paragraph [0051], as disclosing a Path MTU discovery execution determining unit as recited in Claim 1.

Brown, at paragraph [0050], describes reducing data flow disruption when detecting Path MTU by transmitting an old, already-transmitted, data packet when doing Path MTU discovery. In paragraph [0045], Brown states that Path MTU discovery is done periodically, and describes a method of doing the Path MTU discovery in a way that reduces the need for retransmission.

Brown does not teach or suggest the advertisement receiver or the Path MTU discovery execution unit recited in Claim 1. In Brown, the advertisement described in paragraph [0041] is a number of bytes the receiver is willing to accept based on already processed data. That advertisement of the amount of buffer space is not the basis for the determination made by a Path MTU discovery execution determining unit.

Further, Brown does not teach or suggest the Path MTU discovery execution determining unit as recited in Claim 1. As mentioned above, Path MTU discovery is done periodically in Brown, without regard to any advertised information such as the buffer space.

Further, Haraguchi does not cure the deficiencies of Brown.

Haraguchi describes managing a maximum transfer unit in the network system. Haraguchi does not teach or suggest the advertisement receiver or the Path MTU discovery execution determining unit recited in Claim 1, and the outstanding Office Action does not cite Haraguchi as disclosing those features.

Because Brown and Haraguchi, taken in proper combination, do not teach or suggest at least the advertisement receiver and Path MTU discovery execution determining unit recited in Claim 1, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. § 103(a) be withdrawn.

Claims 10, 11, 25, and 26 depend from Claim 1 and, therefore, are patentable for at least the reasons discussed above with respect to Claim 1. Further, the reference cited against Claim 11, Armitage, also fails to cure the deficiencies of Brown and Haraguchi. Moreover,

Claims 10, 11, 25, and 26 recite additional features which are also not taught or suggested by the cited references. Thus, Applicants respectfully request that the rejection of under 35 U.S.C. § 103(a) of Claims 10, 11, 25, and 26 be withdrawn.

Claim 19 is directed to a packet communication system and recites an advertisement receiving means and a Path MTU discovery execution determining means.

Claim 22 is directed to a Path MTU discovery method and recites an advertisement receiving step and a Path MTU discovery execution determining step.

As discussed above, Brown does not teach Path MTU discovery execution based on information in an advertisement. Instead, Brown describes Path MTU discovery which is done periodically, and which is not done based on information received in an advertisement. Further, Haraguchi does not cure the deficiencies of Brown.

Thus, Applicants respectfully request that the rejection of Claims 19 and 22 under 35 U.S.C. § 103(a) be withdrawn.

Claim 2 is directed to a node in a packet communication system and recites “a multiple tunnel entry-point advertisement receiver configured to receive an advertisement of information about an entry point of multiple tunnels on a path from the correspondent node to the destination node.” Claim 2 also recites “a Path MTU discovery execution determining unit configured to determine whether a discovery of a Path MTU of the path from the correspondent node to the destination node should be executed, based on the number of entry points of multiple tunnels.”

The outstanding Office Action cites Armitage as teaching multiple tunnel entry-points and cites Brown as disclosing determining whether a discovery of a Path MTU of the path from the correspondent node to the destination node should be executed.<sup>1</sup>

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<sup>1</sup> See outstanding Office Action at page 5.

As discussed above, Brown does not teach determining whether Path MTU discovery should be executed based on advertised information. Instead, Brown describes Path MTU discovery being done periodically.

Further, Armitage not only does not cure the deficiencies of Brown, but is also not cited in the outstanding Office Action as disclosing the features lacking in Brown.

Because Brown and Armitage, taken in proper combination, do not teach or suggest at least the advertisement receiver and Path MTU discovery execution determining unit of Claim 2, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claim 2 be withdrawn.

Claims 4-7, 12, 15, and 16 depend from Claim 2 and, therefore, are patentable for at least the reasons discussed above with respect to Claim 2. Further, as discussed above, Haraguchi, which is cited against Claims 15 and 16, does not cure the deficiencies of Brown or Armitage with respect to the advertisement receiver or Path MTU discovery execution determining unit. Moreover, Claims 4-7, 12, 15, and 16 recite additional features which are also not taught or suggested by the cited references. Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claims 4-7, 12, 15, and 16 be withdrawn.

Claim 20 is directed to a packet communication system and recites a multiple tunnel entry-point advertisement receiving means and a Path MTU discovery execution determining means.

Claim 23 is directed to a Path MTU discovery method and recites a multiple tunnel entry-point advertisement receiving step and a Path MTU discovery execution determining step.

As discussed above with respect to Claim 2, neither Brown nor Armitage teaches determining whether to execute Path MTU discovery based on an entry-point advertisement.

Thus, Applicants respectfully request that the rejection of Claims 20 and 23 under 35 U.S.C. § 103(a) be withdrawn.

Claim 3 is directed to a node in a package communication system and recites “a link MTU advertisement receiver configured to receive an advertisement of a link MTU of a link connected to each node on a path from the correspondent node to the destination node.” Claim 3 also recites “a Path MTU setting unit configured to set a Path MTU...out of link MTUs received by the link MTU advertisement receiver” and “a Path MTU discovery execution determining unit configured to determine whether a discovery of a Path MTU should be executed, on the basis of the Path MTU set by the Path MTU setting unit.” Therefore, the advertised link MTU information is used as a basis to determine whether discovery of Path MTU should be executed.

The outstanding Office Action does not cite a specific portion of Brown as disclosing the link MTU advertisement receiver recited in Claim 3. However, even considering the portions of Brown cited in the outstanding Office Action as disclosing the advertisement receiver recited in Claim 1, namely paragraphs [0041], [0043] and [0045], Brown does not disclose the link MTU advertisement receiver recited in Claim 3. As discussed above, Brown describes periodic Path MTU discovery that is not based on information in an advertisement.

Because, Brown and Haraguchi, taken in proper combination, do not teach or suggest all the elements of Claim 3, Applicants respectfully request that the rejection of Claim 3 under 35 U.S.C. § 103(a) be withdrawn.

Claims 8, 9, 13, 14, 17, and 18 depend from Claim 3 and, therefore, are patentable for at least the reasons discussed above with respect to Claim 3. Further, Armitage, which is cited against these dependent claims, does not cure the deficiencies of Brown and Haraguchi. Moreover, Claims 8, 9, 13, 14, 17, and 18 recite additional features that are also not taught or

suggested by the cited references. Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claims 8, 9, 13, 14, 17, and 18 be withdrawn.

Claim 21 is directed to a packet communication system and recites a link MTU advertisement receiving means and a Path MTU discovery execution determining means.

Claim 24 is directed to a Path MTU discovery method and recites a link MTU advertisement receiving step and a Path MTU discovery execution determining step.

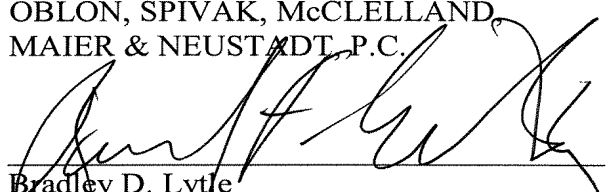
As discussed above with respect to Claim 3, Brown and Haraguchi, taken in combination, do not teach or disclose determining whether to do Path MTU execution based on information in a link MTU advertisement.

Thus, Applicants respectfully request that the rejection of Claims 21 and 24 under 35 U.S.C. § 103(a) be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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